

James K. Haney  
Wong Fleming  
1 Rockefeller Plaza, 11<sup>th</sup> Fl.  
New York, NY 10020  
Tel.: (212) 643-9668  
Fax: (212) 643-9640  
jhaney@wongfleming.com  
*Attorneys for Defendants*

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

JOHN O'HARA, both individually and in his  
official capacity on behalf of O'HARA FOR  
SENATE, and O'HARA FOR SENATE,

Plaintiff,

v.

ELIZABETH COHEN-SANCHEZ a/k/a  
ZEE COHEN SANCHEZ, LORI ANN  
GONZALEZ, both individually and in their  
official capacity as the executive directors of  
SOLE STRATEGIES LLC, and SOLE  
STRATEGIES, LLC

Defendants.

Case No.: 1:22-cv-06209

**NOTICE OF REMOVAL OF CIVIL ACTION TO UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK**

TO: THE JUDGES OF THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. § 1441 and § 1446, Defendants Elizabeth Cohen-Sanchez a/k/a Zee Cohen Sanchez, Lori Ann Gonzalez, and Sole Strategies, LLC ("Defendants") gives notice that they have removed this action from the Supreme Court of the State of New York, County of Kings, Index No. 522052/2022 ("the State Court Action"), to the United States District Court for the Eastern District of New York. As grounds for removal, Defendants submit the following:

1. On or about August 1, 2022, the Plaintiffs filed a Complaint in the State Court Action. A copy of the Complaint and all other relevant pleadings filed in the State Court Action are attached hereto as **Exhibit A** and incorporated herein by reference to this Notice of Removal.

2. This Notice of Removal is being filed pursuant to 28 U.S.C. § 1446(b) despite being filed more than 30 days after the alleged date of service of the Complaint and Summons on Defendants. Plaintiffs assert that Defendants were served on or about August 9, 2022, despite the fact that service was improper because the address used to serve all Defendants was not either of Defendants' addresses and the individual allegedly served on behalf of all Defendants was not an employee of Defendants. Thus, removal is timely and proper as Plaintiffs have failed to effectuate service on Defendants.

3. The United States District Court for the Eastern District of New York has original jurisdiction over the State Court Action based upon diversity of citizenship under 28 U.S.C. § 1332(a)(1), and, accordingly, removal is proper under 28 U.S.C. § 1441(b), as set forth below.

4. There is complete diversity of citizenship, as described below:

a. Plaintiff is a citizen of the State of New York, and was a citizen of New York at the time the Complaint was filed.

b. Defendant Elizabeth Cohen-Sanchez a/k/a Zee Cohen Sanchez is an individual who is a citizen of the State of Nevada, and was a citizen of the State of Nevada at the time the Complaint was filed.

c. Defendant Lori Ann Gonzalez is an individual who is a citizen of the State of New Jersey, and was a citizen of the State of New Jersey at the time the Complaint was filed.

d. Defendant Sole Strategies, LLC is a limited liability corporation with a principal place of business in the State of Nevada. For purposes of diversity jurisdiction, Sole

Strategies, LLC is, and was at the time the Complaint was filed, a citizen of Nevada as Sole Strategies, LLC is owned 100% by Elizabeth Cohen-Sanchez who is a resident of Nevada and a corporation's citizenship is the same as that of its members. Sole Strategies' principal place of business is located at 532 Fifth Street Boulder City, NV 89005. Sole Strategies, LLC is not a citizen of the State of New York.

5. The Complaint specifies the amount of damages Plaintiff seeks as \$125,000.00.<sup>1</sup>

6. The United States District Court for the Eastern District of New York embraces the place, Kings County, New York, where the State Court Action was filed. Based upon diversity of citizenship, the State Court Action is hereby removed to the United States District Court for the Eastern District of New York as the district court having jurisdiction over the place where the action is pending, pursuant to 28 U.S.C. § 1332(a)(1), and 28 U.S.C. § 1441(b).

7. This Notice of Removal has been timely filed. Simultaneous with the filing of this Notice of Removal, Defendants have given written notice thereof to the Clerk of the Supreme Court of New York, Kings County, and to Plaintiff in the State Court Action.

8. This Notice of Removal has been signed pursuant to Fed. R. Civ. P. 11.

9. Should any question arise as to the propriety of the removal of this action, Defendants request the opportunity to brief any disputed issues and to present oral argument in support of their position.

---

<sup>1</sup> The test for determining whether diversity jurisdiction exists is the amount Plaintiff has placed "in controversy" as asserted in this Notice of Removal. See U.S.C. § 1446 (c)(2)(B). This is true whether or not Plaintiff's claims have any merit. Consequently, the Defendants' removal of this action cannot be construed as an admission of liability, or an admission that Plaintiff, if successful on his claims, is entitled to more than \$75,000 in damages.

WHEREFORE, Defendants respectfully requests that all persons take notice that the State Court Action, presently pending in the Supreme Court of New York, Kings County, has been removed to the United States District Court for the Eastern District of New York.

Dated: October 14, 2022

By: /s/ James K. Haney  
James K. Haney  
Wong Fleming  
1 Rockefeller Plaza, 11<sup>th</sup> Fl.  
New York, NY 10020  
Tel.: (212) 643-9668  
Fax: (212) 643-9640  
jhaney@wongfleming.com  
*Attorneys for Defendants*